

**United States Bankruptcy Court  
For the Eastern District of Texas  
Sherman Division**

IN RE:	) Case No. <b>05-41532</b>
	)
TIMOTHY & KARA DURBIN	)
	)
Debtor(s)	) Chapter 7

Trustee's Final Report, Application for Compensation,  
and Report of Proposed Distribution

CHRISTOPHER J. MOSER, the Trustee of the estate of the above named debtor(s), certifies under penalty of perjury, to the Court and United States Trustee, that the trustee has faithfully and properly fulfilled the duties of his office, that the trustee has examined all proofs of claim as appropriate in preparation for the proposed distribution, and that the proposed distribution attached hereto is proper and consistent with the law and rules of the Court. The Trustee applies for the commissions and expenses set forth herein and states that they are reasonable and proper.

I hereby authorize the Office of the United States Trustee to file by electronic means this Trustee's Final Report, Application for Compensation and Report of Proposed Distribution on my behalf, and I agree and acknowledge that the designation of my signature on this document, once filed, constitutes my valid signature for the purposes of 11 U.S.C. §704(9) and Fed. R. Bankr. Pro. 9011.

Therefore, the Trustee requests that the Final Report, Application for Compensation, and Report of Proposed Distribution be approved.

Date: July 10, 2006

/s/ Christopher J. Moser, Trustee  
Christopher J. Moser, Trustee

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

IN RE:	§	
	§	CASE NO. 05-41532
TIMOTHY & KARA DURBIN	§	(Chapter 7)
	§	
DEBTOR(S)	§	

**TRUSTEE'S FINAL REPORT AND APPLICATION TO CLOSE**  
**CASE AND DISCHARGE TRUSTEE**

The Trustee of the estate presents the following final report:

1. The Trustee applies for commissions and expenses set forth in Schedule A and states: That they are reasonable and proper; that in the course of the performance of duties, the Trustee has advanced monies from personal funds for expenses, and the Trustee has not been reimbursed.
2. The Trustee submits Form I. as a summary of the assets and an estate property record. Any property scheduled under 11 U.S.C. Sec. 521(1) and not administered shall be deemed abandoned pursuant to 11 U.S.C. Sec. 554 (c).
3. The Trustee has reduced all assets of this estate to cash or otherwise lawfully disposed of them and the estate is ready to be closed.
4. The Trustee submits Form II. as the account of estate cash receipts and disbursements.
5. There is no agreement or understanding between the Trustee and any other person for a division of the compensation sought by this application except as permitted by the Bankruptcy Code.
6. The Trustee requests approval of this final report.
7. The Trustee has examined each and every claim filed and noted his approval of claims as filed, or he has filed objections to allowance or requests for reclassification.

SCHEDULE A-1

05-41532 TIMOTHY & KARA DURBIN

A. Receipts----- \$3,017.66

B. Disbursements

1. Secured Creditors----- \$0.00

2. Administrative----- \$382.50

3. Priority----- \$0.00

4. Other----- \$0.00

Total Disbursements----- \$382.50

C. Current Balance----- \$2,635.16

# **FORM 1** **INDIVIDUAL ESTATE PROPERTY RECORD AND REPORT** **ASSET CASES**

Case No: 05-41532 BTR Judge: BRENDA T. RHOADES  
Case Name: DURBIN, TIMOTHY SHANNON  
DURBIN, KARA GENTSCH  
For Period Ending: 07/1/06

Trustee Name: CHRISTOPHER J. MOSER  
Date Filed (f) or Converted (c): 03/31/05 (f)  
341(a) Meeting Date: 05/16/05  
Claims Bar Date: 12/14/05

1	2	3	4	5	6
Asset Description (Scheduled and Unscheduled (u) Property)	Petition/ Unscheduled Values	Estimated Net Value (Value Determined by Trustee, Less Liens, Exemptions, and Other Costs)	Property Abandoned OA=554(a) Abandon DA=554(c) Abandon	Sale/Funds Received by the Estate	Asset Fully Administered (FA)/ Gross Value of Remaining Assets
1. Book Royalties (u)	3,000.00	3,000.00		3,000.00	FA
2. 5802 EDINBURG DRIVE, RICHARDSON, TX	167,000.00	0.00	DA	0.00	FA
3. CASH	100.00	0.00	DA	0.00	FA
4. FINANCIAL ACCOUNTS	485.00	0.00		0.00	FA
Debtor Claimed 100% Exemption on Schedule C					
5. HOUSEHOLD GOODS	20,000.00	0.00		0.00	FA
Debtor Claimed 100% Exemption on Schedule C					
6. BOOKS/COLLECTIBLES	500.00	0.00		0.00	FA
Debtor Claimed 100% Exemption on Schedule C					
7. WEARING APPAREL	750.00	0.00		0.00	FA
Debtor Claimed 100% Exemption on Schedule C					
8. FURS AND JEWELRY	1,500.00	0.00		0.00	FA
Debtor Claimed 100% Exemption on Schedule C					
9. FIREARMS AND HOBBY EQUIPMENT	200.00	0.00		0.00	FA
Debtor Claimed 100% Exemption on Schedule C					
10. RETIREMENT PLANS	730.00	0.00		0.00	FA
Debtor Claimed 100% Exemption on Schedule C					
11. AUTOMOBILES-2004 QUEST & 2000 MAXIMA	30,000.00	0.00		0.00	FA
INT. Post-Petition Interest Deposits (u)	Unknown	N/A		17.66	Unknown

TOTALS (Excluding Unknown Values)

\$ 224,265.00

\$ 3,000.00

\$ 3,017.66

Gross Value of Remaining Assets  
(Total Dollar Amount in Column 6)  
\$0.00

Major activities affecting case closing which are not reflected above, and matters pending, date of hearing or sale, and other action:

**FORM 1**  
**INDIVIDUAL ESTATE PROPERTY RECORD AND REPORT**  
**ASSET CASES**

Page: 2

Case No: 05-41532 BTR Judge: BRENDA T. RHOADES

Case Name: DURBIN, TIMOTHY SHANNON

DURBIN, KARA GENTSCH

Trustee Name: CHRISTOPHER J. MOSER

Date Filed (f) or Converted (c): 03/31/05 (f)

341(a) Meeting Date: 05/16/05

Claims Bar Date: 12/14/05

Dohmeyer Valuation Corp. is employed as a valuation expert. On Aug. 2, 2005, Order Authorizing Sale of Property was granted, item # 1.

Initial Projected Date of Final Report (TFR): 09/30/06

Current Projected Date of Final Report (TFR): 07/11/06

## ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD

Case No: 05-41532 -BTR  
Case Name: DURBIN, TIMOTHY SHANNON  
DURBIN, KARA GLENTSCH  
Taxpayer ID No: \*\*\*\*\*0575  
For Period Ending: 07/10/06

Trustee Name: CHRISTOPHER J. MOSER  
Bank Name: BANK OF AMERICA, N.A.  
Account Number / CD #: \*\*\*\*\*4799 BoFA - Money Market Account  
Blanket Bond (per case limit): \$ 300,000.00  
Separate Bond (if applicable):

1	2	3	4	5	6	7	
Transaction Date	Check or Reference	Paid To / Received From	Description Of Transaction	Uniform Tran. Code	Deposits (\$)	Disbursements (\$)	Account / CD Balance (\$)
08/22/05	1	TIM OR KARA DURBIN 5802 EDINBURG DR. RICHARDSON, TX 75082	ROYALTIES	1223-000	1,000.00		1,000.00
08/31/05	INT	BANK OF AMERICA, N.A.	Interest Rate 0.600	1270-000	0.15		1,000.15
09/08/05	1	TIMOTHY SHANNON DURBIN 5802 EDINBURG DR RICHARDSON, TX 75082-2888	Royalties	1223-000	1,000.00		2,000.15
09/14/05	1	TIM OR KARA DURBIN 5802 EDINBURG DR RICHARDSON, TX 75082	ROYALTIES	1223-000	1,000.00		3,000.15
09/30/05	INT	BANK OF AMERICA, N.A.	Interest Rate 0.600	1270-000	1.12		3,001.27
10/31/05	INT	BANK OF AMERICA, N.A.	Interest Rate 0.600	1270-000	1.53		3,002.80
11/30/05	INT	BANK OF AMERICA, N.A.	Interest Rate 0.600	1270-000	1.48		3,004.28
12/30/05	INT	BANK OF AMERICA, N.A.	Interest Rate 0.600	1270-000	1.52		3,005.80
01/31/06	INT	BANK OF AMERICA, N.A.	Interest Rate 0.600	1270-000	1.54		3,007.34
02/28/06	INT	BANK OF AMERICA, N.A.	Interest Rate 1.000	1270-000	2.14		3,009.48
03/31/06	INT	BANK OF AMERICA, N.A.	Interest Rate 1.000	1270-000	2.56		3,012.04
04/28/06	INT	BANK OF AMERICA, N.A.	Interest Rate 1.000	1270-000	2.47		3,014.51
05/31/06	INT	BANK OF AMERICA, N.A.	Interest Rate 1.000	1270-000	2.57		3,017.08
06/08/06	INT	BANK OF AMERICA, N.A.	INTEREST REC'D FROM BANK	1270-000	0.58		3,017.66
06/08/06		Transfer to Acct #*****1924	Final Posting Transfer	9999-000		3,017.66	0.00

Page Subtotals

3,017.66

3,017.66

ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD

Case No: 05-41532 -BTR  
 Case Name: DURBIN, TIMOTHY SHANNON  
 DURBIN, KARA GENTSCH  
 Taxpayer ID No: \*\*\*\*\*0575  
 For Period Ending: 07/10/06

Trustee Name: CHRISTOPHER J. MOSER  
 Bank Name: BANK OF AMERICA, N.A.  
 Account Number / CD #: \*\*\*\*\*4799 BoFA - Money Market Account  
 Blanket Bond (per case limit): \$ 300,000.00  
 Separate Bond (if applicable):

1	2	3	4	5	6	7	
Transaction Date	Check or Reference	Paid To / Received From	Description Of Transaction	Uniform Tran. Code	Deposits (\$)	Disbursements (\$)	Account / CD Balance (\$)
COLUMN TOTALS							0.00
			Less: Bank Transfers/CD's		3,017.66	3,017.66	
			Subtotal		3,017.66	0.00	
			Less: Payments to Debtors			0.00	
			Net		3,017.66	0.00	

Page Subtotals

0.00

0.00

# ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD

Trustee Name: CHRISTOPHER J. MOSER  
Bank Name: BANK OF AMERICA, N.A.  
Account Number / CD #: \*\*\*\*\*1924 BoFA - Checking Account  
Blanket Bond (per case limit): \$ 300,000.00  
Separate Bond (if applicable):

1	2	3	4		5	6	7
Transaction Date	Check or Reference	Paid To / Received From	Description Of Transaction	Uniform Tran. Code	Deposits (\$)	Disbursements (\$)	Account / CD Balance (\$)
06/08/06 07/10/06	003001	Transfer from Acct #*****4799 Dohmeyer Valuation Corp. 2374 Aspermount Frisco, TX 75034	Transfer In From MMA Account Per Order Entered on 7/07/06 Valuation Expert	9999-000 3711-000	3,017.66	382.50	3,017.66 2,635.16

COLUMN TOTALS	3,017.66	382.50	2,635.16
Less: Bank Transfers/CD's	3,017.66	0.00	
Subtotal	0.00	382.50	
Less: Payments to Debtors		0.00	
Net	0.00	382.50	
TOTAL - ALL ACCOUNTS	NET DEPOSITS	NET DISBURSEMENTS	ACCOUNT BALANCE
Bofa - Money Market Account - *****4799	3,017.66	0.00	0.00
Bofa - Checking Account - *****1924	0.00	382.50	2,635.16
	3,017.66	382.50	2,635.16
(Excludes Account Transfers)		(Excludes Payments To Debtors)	Total Funds On Hand

**SCHEDULE B**

**05-41532 TIMOTHY & KARA DURBIN**

**TRUSTEE COMPENSATION:**

Total Receipts =	\$3,017.66
Amount Returned to Debtor =	\$0.00
Total Receipts less Amount Returned to Debtor =	\$3,017.66
25% of first \$5,000.00 =	\$754.42
10% over \$5,000.00 & under \$50,000.00 =	\$0.00
5% over \$50,000.00 & under \$1,000,000.00 =	\$0.00
3% over \$1,000,000.00 =	\$0.00
Total Trustee Fees =	\$754.42

**UNREIMBURSED EXPENSES: (SEE EXHIBIT "A")**

Paralegal Time	198.00
Copies	0.00
Postage	0.78
Secretarial	7.50
Certified Order	0.00
Certified Mail	0.00
Travel	10.00
Federal Express	0.00
Recording Fees	0.00
Premium on Bond	0.00
<b>TOTAL UNREIMBURSED EXPENSES =</b>	<b>216.28</b>

**RECORDS:**

Trustee did not take possession of business or personal records of debtor.

X

Trustee did take possession of business or personal records of debtor.

Notice given to debtor on \_\_\_\_\_ to pick up business or personal records in hands of Trustee. If not picked up within 30 days such records or work files may be destroyed.

**Exhibit "A"  
Expenses**

<b><u>Paralegal Time:</u></b>	<b><u>Time</u></b>	<b><u>Expense at \$30 / hr</u></b>	<b><u>Expense at \$60 / hr</u></b>	<b><u>Total Expense</u></b>
Setup New Bank Accts (2)	0.4	12.00		12.00
Preparation of Deposits (3) & Check (1)	0.8	24.00		24.00
Request Bar Date	0.2	6.00		6.00
Reconcile Bank Balance (12 months)	1.2	36.00		36.00
Trustee's Final Report	1.0		60.00	60.00
Distribution Checks	0.5		30.00	30.00
Trustee's Final Account	0.5		30.00	30.00
<b>Total Paralegal Time</b>		<b>78.00</b>	<b>120.00</b>	<b>198.00</b>

	<b><u>No. of Copies</u></b>	<b><u>Cost of Postage</u></b>	<b><u>Secretarial Hours</u></b>	<b><u>Certified Order</u></b>	<b><u>Certified Mail</u></b>	<b><u>Supplies</u></b>
Copies, Postage, Secretarial & Supplies:						
Certified Mail of Tax Return (2 pkgs)						
Data Entry for Form 1			0.50			
Distribution Checks (quantity = 2)		\$0.78				\$10.00
Banking Folders & Supplies						
<b>Column Totals</b>	<b>0</b>	<b>0.78</b>	<b>0.50</b>	<b>0.00</b>	<b>0.00</b>	<b>10.00</b>

Paralegal Time	198.00
Copies = \$0.25 each	0.00
Postage	0.78
Secretarial @ \$15.00 per hr	7.50
Certified Order	0.00
Certified Mail	0.00
Supplies	10.00
Federal Express	0.00
Recording Fees	0.00
Premium on Bond	0.00
<b>Grand Total =</b>	<b>\$216.28</b>

**SCHEDULE C  
EXPENSES OF ADMINISTRATION**

**05-41532 TIMOTHY & KARA DURBIN**

	<u>AMOUNT CLAIMED</u>	<u>AMOUNT PAID</u>	<u>AMOUNT DUE</u>
1 11 U.S.C. Sec 507(a)(1) <u>Court Cost &amp; Fees</u> A. Notice & Claim Fees B. Adv. Filing Fees C. Quarterly Chapt 11			
2 11 U.S.C. Sec 503(b)(1)(a) <u>Preservation of Estate</u> A. Transportation B. Storage C. Wages D. Estates share FICA E. Watchman F. Insurance G. Upkeep H. Advertising I. Expenses in Sale of Real Estate J. Trustee's Bond			
3 11 U.S.C. Sec 503(b)(2) <u>Post-Petition Taxes and Related Penalties</u>			
4 11 U.S.C. Sec 503(b)(2) <u>Compensation and Reimbursement</u> A. Trustee Fees B. Trustee Expenses C. Attorney to Trustee D. Expenses for Attny to Trustee E. Attorney to Debtor F. Expenses for Attny to Debtor G. Auctioneers Fees H. Auctioneers Expenses I. Appraiser J. Accountant Fees K. Accountant Expense	754.42 216.28 0.00 0.00   0.00 0.00 382.50 0.00 0.00	0.00 0.00 0.00 0.00   0.00 0.00 382.50 0.00 0.00	754.42 216.28 0.00 0.00   0.00 0.00 0.00 0.00 0.00
5 11 U.S.C. Sec 503(b)(3) <u>Expenses of Creditors or Committees</u>			
6 11 U.S.C. Sec 503(b)(4) <u>Compensation of Professionals for Creditors or Committees</u>			
7 Other			
TOTAL	\$1,353.20	\$382.50	\$970.70

**SCHEDULE D****05-41532 TIMOTHY & KARA DURBIN****PRIORITY CLAIMS OTHER THAN ADMINISTRATIVE EXPENSES  
IN THE FOLLOWING ORDER OF PRIORITY**

	(1) Claim <u>No.</u>	(2) Amount <u>Claimed</u>	(3) Amount <u>Allowed</u>	(4) Amount <u>Paid</u>	(5) Amount <u>Due</u>
1	For Credit Extended Sec 364(e)(1)				
2	Claims from Failure of adequate protection Sec. 307(a)(b)				
3	"Gap Claims" Sec. 507(a)(2)				
4	Wages,etc. Sec. 507(a)(3)				
5	Contributions to benefit plans Sec. 507(a)(4)				
6	Engaged in raising of grain or fisherman Sec. 507(a)(5)				
7	Consumer Deposits Sec. 507(a)(6)				
8	Alimony or Support or Child; Sec. 507(a)(7)				
9	Taxes Sec. 507(a)(8)				

**TOTAL ALLOWED PRIORITY CLAIMS:            \$0.00**

**SCHEDULE E      05-41532 TIMOTHY & KARA DURBIN**

## SECURED CLAIMS

		(1)	(2)	(3)	(4)	(5)
Claim		Amount of	Amount not	Amount	Amount	Amount
<u>No.</u>	<u>Creditor</u>	<u>Claim</u>	<u>Determined</u>	<u>Allowed</u>	<u>Paid</u>	<u>Due</u>

Total of ALLOWED Secured Claims: \$0.00

Total UNSECURED CLAIMS Allowed: \$22,278.99

## Eastern District of Texas Claims Register

**05-41532 Timothy Shannon Durbin and Kara Gentsch Durbin**

**Honorable:** Brenda T. Rhoades

**Chapter:** 7

**Office:** Sherman

**Last Date to file claims:**

**Trustee:** Christopher Moser

**Last Date to file (Govt):**

<b>Creditor:</b> Discover Bank Discover Financial Services PO Box 8003 Hilliard, OH 43026	<b>Claim No: 1</b> <i>Filed:</i> 10/06/2005 <i>Entered:</i> 10/06/2005	<b>Status:</b> <i>Filed by:</i> CR <i>Entered by:</i> Wilson, Melissa <i>Modified:</i>
Unsecured claimed: \$13699.12 <b>Total      claimed: \$13699.12</b>		
<b>History:</b> 1-1      10/06/2005 Claim #1 filed by Discover Bank , total amount claimed: \$13699.12 (Wilson, Melissa)		
<b>Description:</b> (1-1) 6011008179527764		
<b>Remarks:</b>		

<b>Creditor:</b> Discover Bank Discover Financial Services PO Box 8003 Hilliard, OH 43026	<b>Claim No: 2</b> <i>Filed:</i> 10/06/2005 <i>Entered:</i> 10/06/2005	<b>Status:</b> <i>Filed by:</i> CR <i>Entered by:</i> Wilson, Melissa <i>Modified:</i>
Unsecured claimed: \$8579.87 <b>Total      claimed: \$8579.87</b>		
<b>History:</b> 2-1      10/06/2005 Claim #2 filed by Discover Bank , total amount claimed: \$8579.87 (Wilson, Melissa)		
<b>Description:</b> (2-1) 6011008040313956		
<b>Remarks:</b>		

### Claims Register Summary

**Case Name:** Timothy Shannon Durbin and Kara Gentsch Durbin

**Case Number:** 05-41532

**Chapter:** 7

**Date Filed:** 03/31/2005

**Total Number Of Claims:** 2

	Total Amount Claimed	Total Amount Allowed
Unsecured	\$22278.99	
Secured		
Priority		
Unknown		

<b>Administrative</b>		
<b>Total</b>	<b>\$22278.99</b>	<b>\$0.00</b>

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<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
07/10/2006 17:10:51			
<b>PACER Login:</b>	cm1174	<b>Client Code:</b>	
<b>Description:</b>	Claims Register	<b>Search Criteria:</b>	05-41532 Filed or Entered From: 6/20/2002 Filed or Entered To: 1/1/2007
<b>Billable Pages:</b>	1	<b>Cost:</b>	0.08

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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

IN RE:	§	
	§	CASE NO. 05-41532
TIMOTHY & KARA DURBIN	§	(Chapter 7)
	§	
DEBTOR(S)	§	

**TRUSTEE'S REPORT OF  
PROPOSED FINAL DISTRIBUTIONS**

The undersigned trustee of the estate hereby submits to the Court and to the United States Trustee this Report of Proposed Final Distributions.

1. The Court has entered orders which have become final, and which dispose of all objections to claims, all applications for compensation, and all other matters which must be determined by the Court before final distribution can be made.

2. The trustee proposes to make final distribution of the funds of the estate as follows, and will make such distribution upon certification by the U.S. Trustee unless written objection thereto is filed and served on the trustee and on the U.S. Trustee.

**05-41532 TIMOTHY & KARA DURBIN**

1 Balance on hand		\$2,635.16
2 Administrative Expenses to be paid (see attached schedule of payees and amounts)	\$970.70	
3 Priority Claims to be paid (see attached schedule of payees and amounts)	\$0.00	
4 Secured Claims to be paid (see attached schedule of payees and amounts)	\$0.00	
5 Unsecured Claims to be paid (see attached schedule of payees and amounts)	\$1,664.46	
6 Miscellaneous distributions to be paid (see attached schedule of payees and amounts) Surplus to Debtor		
7 Total Distributions to be made.	\$2,635.16	
8 Zero Balance		\$0.00

/s/ Christopher J. Moser  
Christopher J. Moser  
2001 Bryan Street, Suite 1800  
Dallas, Texas 75201

# PROPOSED DISTRIBUTION

Case Number: 05-41532     BTR

Page 1

Date: July 11, 2006

Debtor Name: DURBIN, TIMOTHY SHANNON \ DURBIN, KARA GENTSCH

Claim #	Payee Name	Class	Priority	Amt Claimed * Amt Allowed	Paid to Date	Claim Balance	Proposed Pymt	Funds Remaining
Beginning Balance								\$2,635.16
<b>Claim Type -</b>								
	CHRISTOPHER J. MOSER COMPENSATION	Admin		\$754.42 * \$754.42	\$0.00	\$754.42	\$754.42	\$1,880.74
				Percent Paid: 100.0000 %				
	CHRISTOPHER J. MOSER EXPENSES	Admin		\$216.28 * \$216.28	\$0.00	\$216.28	\$216.28	\$1,664.46
				Percent Paid: 100.0000 %				
<b>Subtotal For Claim Type</b>				\$970.70 * \$970.70	\$0.00	\$970.70	\$970.70	
Subtotals For Class Administrative				\$970.70 * \$970.70	\$0.00	\$970.70	\$970.70	
<b>Claim Type 7100-00 - General Unsecured 726(a)(2)</b>								
00000001	Discover Bank	Unsec	070	\$13,699.12 * \$13,699.12	\$0.00	\$13,699.12	\$1,023.46	\$641.00
				Percent Paid: 7.4710 %				
00000002	Discover Bank	Unsec	070	\$8,579.87 * \$8,579.87	\$0.00	\$8,579.87	\$641.00	\$0.00
				Percent Paid: 7.4710 %				
<b>Subtotal For Claim Type 7100-00</b>				\$22,278.99 * \$22,278.99	\$0.00	\$22,278.99	\$1,664.46	
Subtotals For Class Unsecured				\$22,278.99 * \$22,278.99	\$0.00	\$22,278.99	\$1,664.46	
<< Totals >>				\$23,249.69 \$23,249.69	\$0.00	\$23,249.69	\$2,635.16	\$0.00

Proposed distribution is dependent on the Court's rulings on administrative expenses, contest of claims, and/or objections made to this proposed distribution.